

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF  
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAR 10 2004

Returned to applicant for correction APR 01 2004

Corrected application filed \_\_\_\_\_

Map filed MAR 10 2004 under 70937

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The applicant **Washoe County**, a political subdivision of the State of Nevada, hereby makes application for permission to change the **Point of Diversion, Place and Manner of Use** of a **portion** of water heretofore appropriated under **Claim 715/715a** of the **Truckee River Decree**, said Decree entered by the District Court of the United States for Nevada in that certain action entitled, "**The United States of America vs. Orr Water Ditch Company, et al., Defendants**", in Equity Docket A-3.

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1. The source of water is **Brown's Creek, south branch of White's Creek**
2. The amount of water to be changed **575.71 acre-feet**
3. The water to be used for **storage**
4. The water heretofore permitted for **as decreed**
5. The water is to be diverted at the following point **NW¼ SW¼ of Section 21, T.18N., R.20E., M.D.B.&M., or at a point from which the SW corner of Section 19, T.18N., R.20E., M.D.B.&M bears S. 83°13'01" W, a distance of 11,730.44 feet.**
6. The existing permitted point of diversion is located within **As decreed (historical and physical location being NE¼ SW¼ Section 30, T18N., R.20E., M.D.B.&M., or at a point from which the SE corner of Section 17, T.18N., R.20E., M.D.B.&M., bears N. 48°30'00" E., a distance of 12,144.00 feet).**
7. Proposed place of use is **on site storage associated with surface water treatment plant located in the NE¼ of SW¼ and NW¼ of SW¼ of Section 21, T.18N., R.20E., M.D.B.&M. Ultimately the place of beneficial use will be determined under secondary application.**
8. Existing place of use **Please refer to attached Exhibit "B"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **As decreed to As decreed** of each year.
11. Description of proposed works **Proposed diversion structure and pipeline/ditch to proposed place of use.**
12. Estimated cost of works **\$30,000,000.00**
13. Estimated time required to construct works **5 years**
14. Estimated time required to complete the application of water to beneficial use **10 years**
15. Remarks: **Please see attached Exhibit "A".**

By **Vahid Behmaram, Water Rights Supervisor**  
s/**Vahid Behmaram**  
**Washoe County Dept. of Water Resources**  
**4930 Energy Way, Reno, NV 89502-4106**

Compared cmf/sam W/gkl  
Protested \_\_\_\_\_

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use and manner of use of a portion of the waters of Brown's Creek as heretofore decreed under Claim 715/715A of the Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A substantial measuring device must be installed and accurate records must be kept of the water flowing in Brown's Creek prior to its commingling with other drainages.

A monthly report of the water diverted and placed into storage must be submitted to the State Engineer and the Federal Water Master within fifteen (15) days after the end of each month.

This primary permit is issued under the authority of NRS 533.440 (Secondary applications are required for the use of the appropriated water) and is only a temporary allowance. The final water right obtained will be dependent upon the amount of water actually placed to beneficial use under the secondary permits. A totalizing meter must be installed at the discharge near the point of diversion and accurate measurements must be kept of storage water discharged. This permit is further issued subject to the provisions of NRS 533.395 and the State retains the right to regulate the use of water herein granted at any and all times.

This permit is issued subject to continuing jurisdiction and regulation by the Federal Water Master.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 4.420 cubic feet per second, but not to exceed 575.71 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:  
November 8, 2010

Proof of completion of work shall be filed on or before:  
December 8, 2010

Water must be placed to beneficial use on or before:  
November 8, 2015

Proof of the application of water to beneficial use shall be filed on or before:  
December 8, 2015

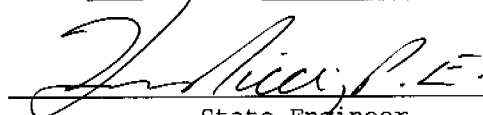
Map in support of proof of beneficial use shall be filed on or before:  
N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 8th day of November A.D. 2005

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

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**Exhibit "A"**

This application to change is associated with Washoe County's South Truckee Meadows Surface Water Treatment Plant.

Upon permitting of this application, Washoe County will file Secondary applications to place the stored water to beneficial use. Secondary application will be filed for Municipal, Artificial Recharge & Recovery, and Wildlife (in-stream flow) purposes. These secondary applications will provide the needed flexibility to Washoe County to beneficially use this water under all three or either one of the manners of use with the understanding that the total combined duty will not exceed that of the primary storage permit duty.

The water rights originating from Orr ditch decree claim 716 (base right permits 41662 & 64048) are subject to the terms of State Engineer Ruling # 4439, dated 9/25/96 (please refer to finding of the facts # VI, page 5). It is Washoe County's position that the surface water hydrology associated with water rights originating from Orr Ditch Decree Claim 715/715a are consistent with the conclusions reached in ruling 4439.

In reference to the in-stream flow/wildlife secondary applications contemplated in this project, Washoe County stipulates to notify the downstream parties, i.e., Pyramid Lake Paiute Tribe, T.C.I.D. and Churchill County, prior to filing of said secondary application.

The purpose of the notification is to seek consensus on the disposition of the water under the secondary applications once it reaches the main stem of the Truckee River, and the relative rights to this water at Derby Dam.

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Exhibit "B"

TRANSFER TABLE - CLAIM 715/715A  
@ 4.00 AC.FT. / AC.

1/4 1/4	SECTION	APN	ACRES
SW NW	21	16-400-62	7.20
NW SW	21	16-400-62	7.90
SUB TTL			15.10
SE SE	17	16-400-63	6.33
NE NE	20	16-400-63	19.60
NW NW	21	16-400-63	6.59
SW NW	21	16-400-63	10.47
SUB TTL			42.99
SW NW	21	16-400-65	9.64
NW NW	21	16-400-65	1.15
NW NE	21	16-400-65	3.65
SUB TTL			14.44
SW SW	16	16-400-70	20.72
SUB TTL			20.72
SW SW	16	16-400-71	7.72
NW NW	21	16-400-71	30.11
SUB TTL			37.83
NE SW	21	16-411-16	0.17
SUB TTL			0.17
NE SW	21	16-411-17	0.88
SUB TTL			0.88
NE SW	21	16-411-18	8.37
SUB TTL			8.37
NE SW	16	16-520-01	3.4275
SUB TTL			3.4275
GRAND TOTAL			143.9275